
Air Force Base Conversion Agency
BRAC 95 Base Conversion Process
Workshop

Identifying Interests in Real Property /
Redevelopment Planning



Air Force Base Conversion Agency

Identifying Interests in Real Property / Redevelopment Planning [Block 3]

OBJECTIVE

- **Provide attendees with a summary of identifying interests in real property, reuse and disposal planning, and homeless assistance within the framework of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994**

OUTCOME

- **Attendees will be familiar with the activities that occur during identification of real property interests, reuse and disposal planning, and addressing homeless assistance needs, including:**
 - **DoD and Federal agency screening**
 - **Identifying homeless assistance needs**
 - **Submission of local redevelopment plan and application to HUD**
 - **HUD's review process**
 - **Homeless assistance conveyances**

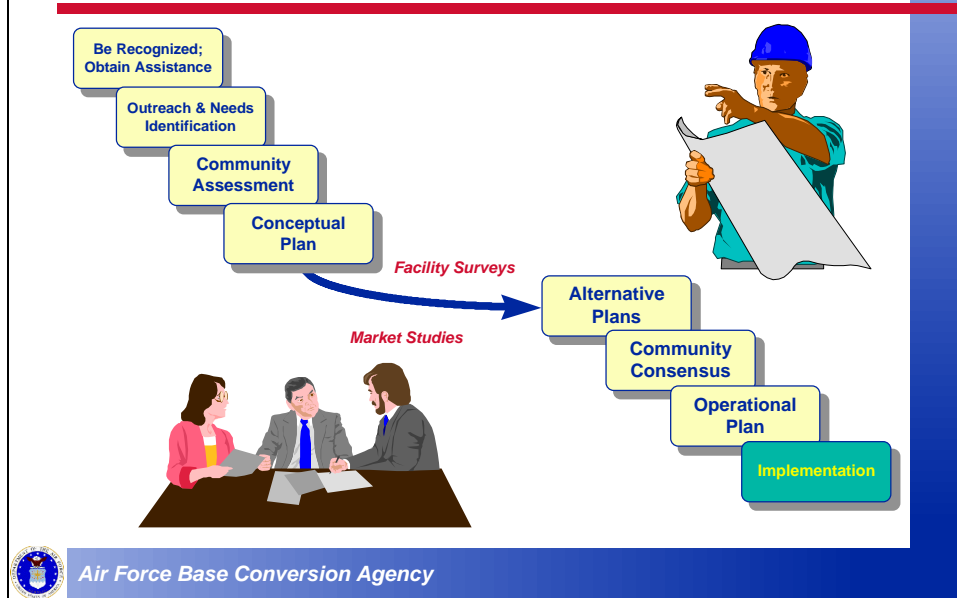


Air Force Base Conversion Agency

Quiz—Identifying Interests in Real Property / Redevelopment Planning

1. Who is responsible for conducting homeless outreach activities?
2. When should homeless assistance providers be advised to submit notices of interest?
3. How will homeless outreach activities be conducted if there is no LRA?
4. Where should information about homeless assistance outreach activities be published?
5. What should a homeless assistance submission contain?
6. What part of the redevelopment plan will HUD review?
7. What is the principal criterion HUD will use in reviewing a homeless submission?
8. How long does HUD have to review the homeless submission?
9. What happens if the homeless submission does not appear to have achieved the proper balance?
10. To whom are homeless assistance conveyances made?
11. What is the reimbursement (to DoD) required for a homeless assistance conveyance?

Phase One: LRA Reuse Planning



- **Goals.** The first step is to determine the community goals that will guide the planning process. Defined by the LRA, these goals serve as the foundation of the overall recovery strategy. This strategy helps gain private-sector confidence and promotes renewed business investment. Often, the primary goal is job creation. Other examples are making redevelopment economically feasible, expanding the tax base, diversifying the local economy, maintaining a level of environmental quality, meeting affordable housing needs, or creating a redevelopment theme.
- **Objectives.** In setting the community's goals, these are but a few of the objectives that may be identified: civilian job replacement; public use of portions of the site; highest and best use of land and facilities; phased development to meet short-term goals but not preclude longer-term goals; expanded site access (roads, rail and water); quality appearance; compatibility with existing and planned off-site development; image change from military to civilian; and minimal public cost.
- **Identification of Needs.** Through its outreach efforts, the LRA solicits and considers the needs of State and local entities, including both public and private-sector interests (e.g., affected tribal governments, park boards, hospitals, development consortia, universities, and governmental units), as well as homeless providers. The needs of Federal agencies, as identified by the Air Force prior to the surplus determination, should also be recognized and provided for.
- **Local Strengths, Weaknesses, Opportunities, and Threats.** Considerable baseline data need to be developed to evaluate feasible reuse alternatives for the base and surrounding area. This analysis may lead the LRA beyond its original needs. Such an analysis may identify a new competitive element of the property, a new marketing approach to the installation's unique buildings, or other major assets.
- **Beyond the Known.** Potential public and private uses should be explored with imagination as far as economic feasibility permits. Types of uses include aviation, commerce, industry, education, health, recreation, incarceration, housing, and public administration. Facility surveys and market analysis will reveal which uses are possible. The LRA's responsibility is to follow through on opportunities that offer potential.
- **Consensus on a Concept.** The LRA should take into consideration the initial identified needs and the goals and objectives of the community. Often, this consensus serves as the basis for preliminary LRA consultations with the Air Force and other interested property users.
- **Civilian Reuse.** A range of economically and environmentally feasible land-use alternatives should be developed and evaluated. Commonly, this includes market studies and facility surveys to gauge an alternative's feasibility. If one of the major objectives is to minimize public costs, a balance of public benefit (no-cost) acquisition and private sector redevelopment is a wise pursuit. Public or nonprofit uses of portions of the base for aviation, education, recreation, wildlife conservation, seaports, and health purposes (including homeless use) generally involve no cost. However, there will be public costs to redevelop and operate the facilities for public uses, with little or no tax revenues generated. Also, public benefit uses have "strings attached." They must continue to be used for these public purposes, constraining long-range development flexibility.
- **Balanced Plan.** An LRA must specifically consider the needs of the homeless as well as local community and economic development requirements. While the needs of the homeless may be addressed off-base as well as on, an LRA will need to document all homeless interests and the process leading up to their accommodation. The final redevelopment plan must demonstrate how it has balanced community and economic development needs with the needs of the homeless.
- **Blueprint for Implementation.** Upon consensus on a redevelopment configuration, specific guidance is needed for implementing the plan. What will be the structure of any follow-on entity tasked with putting the installation into civilian use? Are there subsidies required for the effort and what will be the source? How will various uses be integrated and supported through delivery of public services? What are the schedules for site improvements? How will sources of funding be secured to finance economic development on the site? This is often termed the "action" component of the plan and becomes the basis for implementing the plan. When completed, the plan should represent that reuse configuration with the greatest comparative advantage for the community, maximizing benefits while minimizing costs.
- **Site-Specific Work.** Once the final redevelopment configuration is supported as the proposed action for the Air Force's NEPA analysis and incorporated into the Air Force's overall disposal plan for the facility, the LRA then can focus on the details of site layout, parcelization, phased redevelopment, design controls, and property management considerations. Local comprehensive plans and zoning must also be updated and adapted to reflect the redevelopment plan. It is imperative that these actions occur as much in advance of the property's disposal as possible, particularly for those portions of the base that will be purchased by the private sector.

Source: Office of Economic Adjustment, Community Guide to Base Reuse, 1995

Base Closure Community Redevelopment and Homeless Assistance Act of 1994

- **Exempts BRAC 95 from McKinney Act**
 - Instead, a new process in DBCRA § 2905(b)(7)
- **Requires that LRA address homeless needs**
 - Local, not national, needs
 - LRA identifies needs, not HHS, HUD or DoD
- **Allows for creativity**
 - On- or off-base accommodation
 - Property or assistance (e.g., job training, education)



Air Force Base Conversion Agency

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Base Closure Community Redevelopment and Homeless Assistance Act of 1994

- **Allows for balance between needs of homeless and economic development**
- **Local control and oversight of homeless programs**
 - After transfer, no Federal oversight or reversion
 - Subject to agreements between LRA and homeless
- **Federal role (HUD)—review to ensure balanced plan**
- **All BRAC bases eligible (BRAC 88, 91, 93 bases had to meet deadline for “opting in”)**



Air Force Base Conversion Agency

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Redevelopment Act of 1994— Eligibility

- **All BRAC 95 installations**
- **If LRA requested (for BRAC 88/91/93 properties)**
 - **Within 60 days of enactment (24 December 1994)**
 - **List of installations/LRAs published 30 May 1995**
 - Carswell, George, March, Newark, Norton, Pease, Wurtsmith
 - **If applications are pending**
 - Plan must consider applicant's program
 - **If applications are approved**
 - Plan must address provider's program
 - **Properties already transferred or leased to homeless assistance providers are not eligible**



Air Force Base Conversion Agency

Redevelopment Act of 1994, Section 2(e):

(e) APPLICABILITY TO INSTALLATIONS APPROVED FOR CLOSURE BEFORE ENACTMENT OF ACT.—(1)(A) Notwithstanding any provision of the 1988 base closure Act or the 1990 base closure Act, as such provision was in effect on the day before the date of the enactment of this Act, and subject to subparagraphs (B) and (C), the use to assist the homeless of building and property at military installations approved for closure under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before such date shall be determined in accordance with the provisions of paragraph (7) of section 2905(b) of the 1990 base closure Act, as amended by subsection (a), in lieu of the provisions of the 1988 base closure Act or the 1990 base closure Act that would otherwise apply to the installations.

(B)(i) The provisions of such paragraph (7) shall apply to an installation referred to in subparagraph (A) only if the redevelopment authority for the installation submits a request to the Secretary of Defense not later than 60 days after the date of the enactment of this Act.

(ii) In the case of an installation for which no redevelopment authority exists on the date of the enactment of this Act, the chief executive officer of the State in which the installation is located shall submit the request referred to in clause (i) and act as the redevelopment authority for the installation.

(C) The provisions of such paragraph (7) shall not apply to any buildings or property at an installation referred to in subparagraph (A) for which the redevelopment authority submits a request referred to in subparagraph (B) within the time specified in such subparagraph (B) if the buildings or property, as the case may be, have been transferred or leased for use to assist the homeless under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before the date of the enactment of this Act.

...
(5)(A) In preparing a redevelopment plan for buildings and property at an installation covered by such paragraph (7) by reason of this subsection, the redevelopment authority concerned shall—

(A) consider and address specifically any applications for use of such buildings and property to assist the homeless that were received by the Secretary of Health and Human Services under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before the date of the enactment of this Act and are pending with that Secretary on that date; and

(B) in the case of any application by representatives of the homeless that was approved by the Secretary of Health and Human Services before the date of enactment of this Act, ensure that the plan adequately addresses the needs of the homeless identified in the application by providing such representatives of the homeless with—

(i) properties, on or off the installation, that are substantially equivalent to the properties covered by the application;

(ii) sufficient funding to secure such substantially equivalent properties;

(iii) services and activities that meet the needs identified in the application; or

(iv) a combination of the properties, funding, and services and activities described in clause (i), (ii), and (iii).

References: Base Closure Community Redevelopment and Homeless Assistance Act of 1994, Section 2(e); 32 CFR § 91.7(a); 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3; HUD Guidebook on Military Base Reuse and Homeless Assistance

Redevelopment Act of 1994— Identifying Interests in Real Property

- **DoD/Federal**
 - **Surplus determination within 6 months**
 - **DoD publishes in *Federal Register* and local paper**
- **State/Local Outreach by LRA**
 - **Begin as soon as practicable**
 - **Finish 3–6 months from surplus decision**
 - **Local decision on timeframe for notices of interest**
 - **Process must be publicized**
 - **For homeless assistance and other interests**
 - **LRA must conduct homeless outreach**
- **Redevelopment plan due within 9 months of completion of LRA timeframe for notices of interest**



Air Force Base Conversion Agency

DBCRA 90 § 2905(b)(7)(C) & (D):

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after the date of approval of closure of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 3 months and not later than 6 months after that date; and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 3 months and not later than 6 months after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Identifying DoD/Federal Interests in Property

- **Notice of availability of property except:**
 - Withdrawn public domain lands
 - Cantonment areas (subject to ASD(ES) [DUSD(IA&I)] approval)
- **Written, firm expressions of interest (30 days)**
- **Request for transfer (60 days)**
 - Signed by head of component of Department or Agency
 - DoD requests need ASD(ES) [DUSD(IA&I)] approval
 - Competing requests resolved by Air Force



Air Force Base Conversion Agency

Upon the President's submission of the recommendations for base closures and realignments to the Congress in accordance with the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), the Military Department shall send out a notice of potential availability to the other DoD Components, and other federal agencies. The notice of potential availability is a public document and should be made available in a timely basis, upon request. Federal agencies are encouraged to review this list, and to evaluate whether they may have a requirement for the listed properties. The notice of potential availability should describe the property and buildings that may be available for transfer.

Military Departments should consider LRA input in making determinations on the retention of property (size of cantonment area), if provided. Generally, determinations on the retention of property (or size of the cantonment area) should be completed prior to the date of approval of the closure or realignment.

Within one week of the date of approval of the closure or realignment, the Military Department shall issue a formal notice of availability to other DoD Components and federal agencies covering closing and realigning installation buildings and property available for transfer to other DoD Components and federal agencies. Withdrawn public domain lands, which the Secretary of the Interior has determined are suitable for return to his jurisdiction, will not be included in the notice of availability.

Within 30 days of the date of the notice of availability, any DoD Component or federal agency is required to provide a written, firm expression of interest for buildings and property. An expression of interest must explain the intended use and the corresponding requirement for the buildings and property.

Within 60 days of the date of the notice of availability, the DoD Component or federal agency expressing interest in buildings or property must submit an application for transfer of such property to the Military Department or federal agency.

References: DBCRA 90 § 2905(b); 32 CFR § 91.7(a); Base Reuse Implementation Manual, Chapter 3

Surplus Property Determination

- **Should be made 100 days after notice of availability**
- **May be postponed by Air Force at LRA request**
 - **No later than 6 months after date of approval**
 - **ASD(ES) approval for later than 6 months**
 - **Postponements limited to unresolved/controversial portions**
- **May be withdrawn if later Federal request arises**
 - **LRA consultation**



Air Force Base Conversion Agency

The Air Force shall make determinations of excess and surplus property within 100 days of the notice of availability, and shall inform the LRA of its determinations. If requested by the LRA, the Air Force may postpone this determination for no more than six months after the date of approval of closure or realignment.

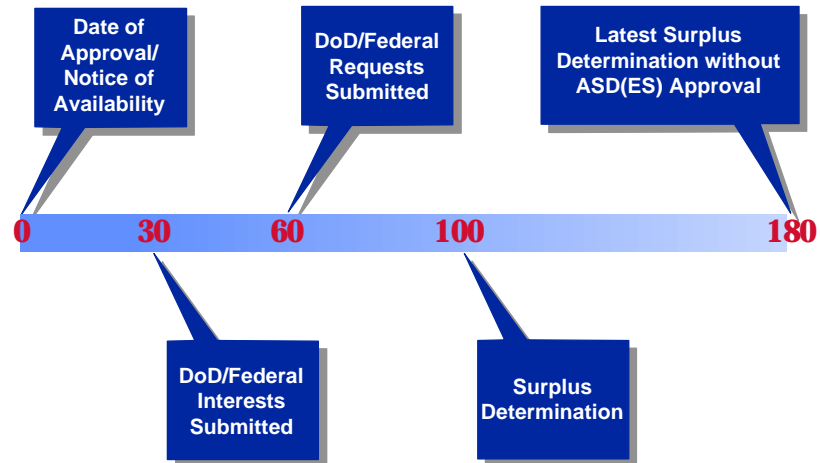
- Extensions beyond six months can only be granted by the Assistant Secretary of Defense for Economic Security and will only be granted in unusual circumstances, with good cause shown.
- Extensions of the deadline for surplus determination should be limited to the portions of the installation on which there is an outstanding interest or controversy. Every effort should be made to make surplus decisions on as much of the installation as possible, within the specified timeframes.
- Surplus determinations for previously announced base closures should have already been made unless an extension has been granted by the Assistant Secretary of Defense for Economic Security.

At the discretion of the Air Force, a surplus determination may be withdrawn and a request reconsidered, when a Federal request is not made in a timely fashion, or when an LRA requests that the denial of a Federal request be reconsidered.

- Requests for transfer shall be made to the Air Force, provided that property disposal has not already occurred, and the Air Force will notify the LRA of the request.
- Comments received from the LRA and the time and effort invested by the LRA in the planning process should be considered when the Air Force is reviewing a late request. Generally, the Air Force should not entertain such a request unless the requested transfer is included in the redevelopment plan.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C

Summary of DoD/Federal Agency Screening



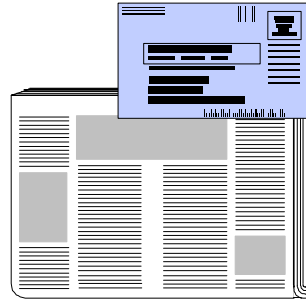
Air Force Base Conversion Agency

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C

Publicizing Redevelopment Planning

■ Air Force responsibilities following surplus determination

- Property information sent to HUD and LRA or Governor
- Property information published
 - *Federal Register*
 - Newspaper
- Recognized LRA published
 - *Federal Register*
 - Newspaper



■ LRA responsibilities

- Publicize deadline/contents for notices of interest



Air Force Base Conversion Agency

DBCRA 90 § 2905(b)(7)(B):

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another department or agency of the Federal Government has identified a use, or of which another department or agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of the determination described in the stem of this sentence) information on any building or property that is identified under subclause (II); and

(IV) publish in the *Federal Register* and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the *Federal Register* and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C

Outreach to the Homeless

- **As soon as practicable after date of approval**
- **Coordinated with Air Force and local HUD field office**
- **Workshops**
- **Property walkthroughs**
- **Description of process**
- **Meet with representatives**



Air Force Base Conversion Agency

The LRA should conduct outreach to the homeless as soon as possible after the date of approval of closure or realignment. The LRA can obtain from the local HUD field office a list of persons and organizations that are representatives of the homeless in the vicinity of the installation. The LRA should invite the persons on this list, and any other representative of the homeless in the vicinity of the installation, to workshop(s) conducted by the LRA in coordination with the Air Force and HUD. These workshops should give the representatives of the homeless an opportunity to:

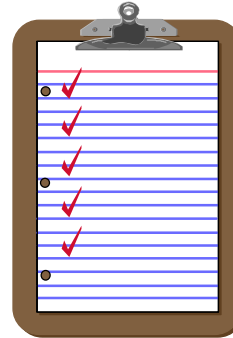
- Learn about the closure/disposal process;
- Tour the buildings and property available on or off the installation;
- Learn about the LRA's process and schedule for receiving notices of interest; and
- Learn about any known land use constraints.

The LRA should meet with interested representatives of the homeless to discuss possible uses for the property.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Contents of Homeless Assistance Notices of Interest

- **Description of proposed program**
- **Extent to which program is coordinated with others**
- **Description of necessary property**
- **Description of representative of homeless**
 - **Capacity**
 - **Financial plan**
- **Time to commence program**



Air Force Base Conversion Agency

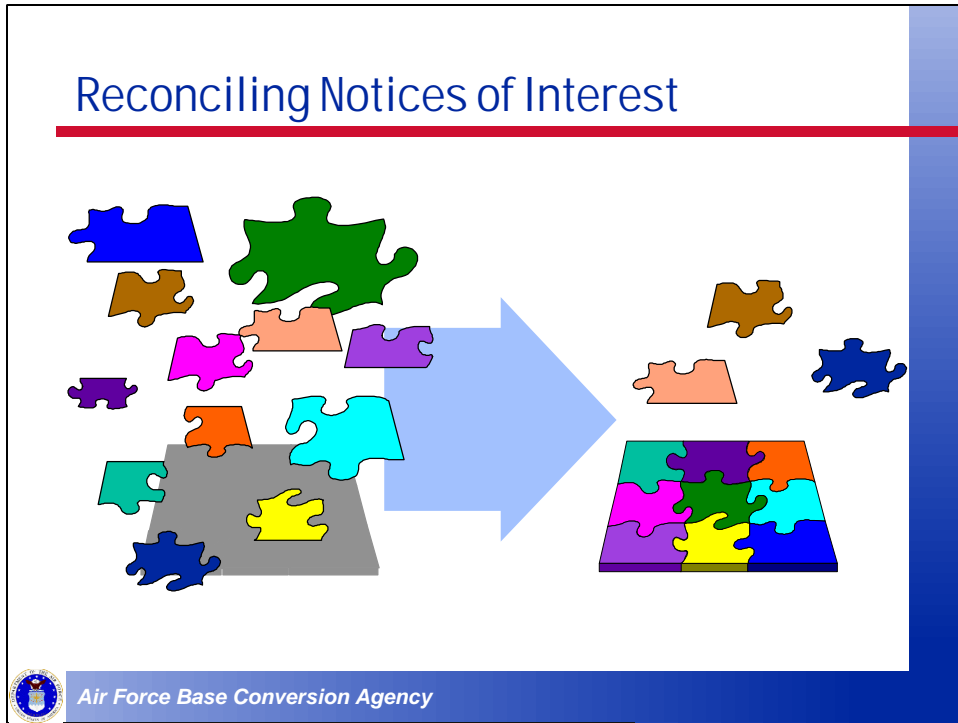
DBCRA 90 § 2905(b)(7)(E):

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

- (I) A description of the homeless assistance program that the representative proposes to carry out at the installation.
 - (II) An assessment of the need for the program.
 - (III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.
 - (IV) A description of the buildings and property at the installation that are necessary in order to carry out the program.
 - (V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.
 - (VI) An assessment of the time required in order to commence carrying out the program.
- (ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Reconciling Notices of Interest



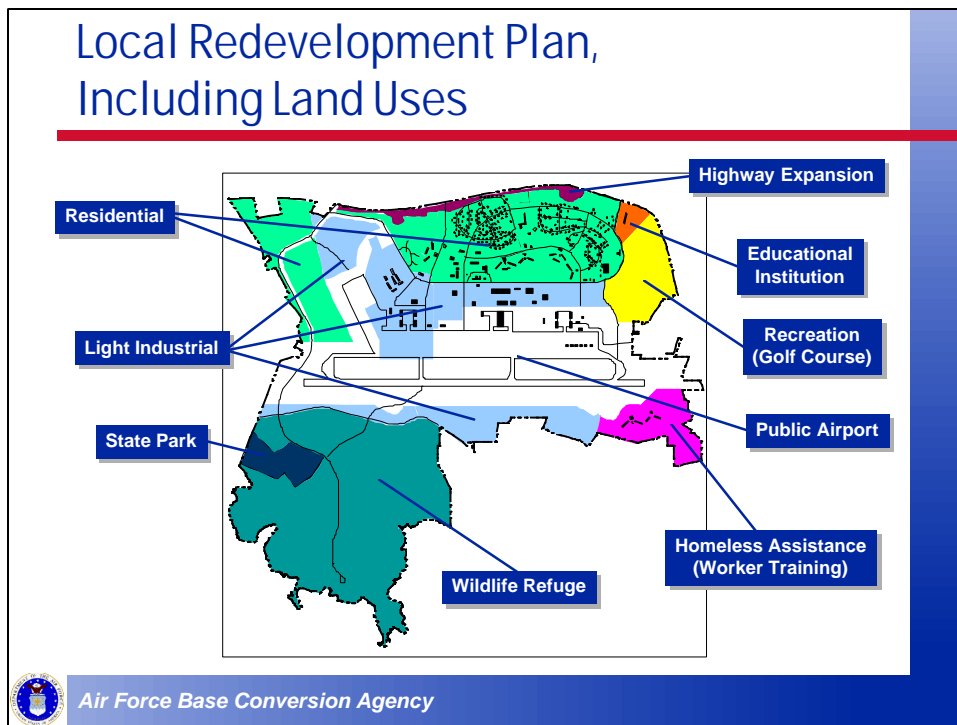
Air Force Base Conversion Agency

One of the LRA's major tasks is the reconciliation of the various interests in property that are received or identified during the redevelopment planning process. In the ideal situation (shown above), an LRA will be faced with many more interests than can be accommodated with the available base property. In such a case the LRA has the luxury of selecting those interests and land uses that are most compatible with its redevelopment concept.

In reconciling multiple (and potentially conflicting) property interests into a single, unified plan for an installation, the LRA will likely be required to negotiate with the interested parties to:

- Scale back some interests (or satisfy them with alternate property) so that other interests can be better accommodated;
- Encourage some parties to acquire additional property so that all or most of the installation property is accounted for; and/or
- Exclude some parties from the plan because there is insufficient property to meet their needs.

Under less ideal circumstances, the LRA will be faced with few or small interests that do not account for the majority of the available property, and the LRA may need to consider acquiring property itself with the goal of serving as a long-term developer.



Redevelopment plans are commonly summarized most succinctly as a map of proposed land uses. This notional redevelopment plan combines a broad variety of public, private, commercial, and recreational land uses to achieve a balanced reuse program.

At this point during redevelopment planning, property recipients and conveyance methods may also be identified. For example, the State park, national wildlife refuge, highway expansion, and public airport land uses generally can only be managed by certain agencies (i.e., State Department of Parks and Recreation, Department of Interior, State Department of Transportation, local airport authority) that should have already been identified. Other land uses (e.g., light industry) can be achieved through various conveyance methods and the users may not be specifically identified until the implementation phase of redevelopment.

See the property conveyance methods map to compare these proposed land uses with the conveyance methods for individual parcels.

Redevelopment Act of 1994— LRA Application

- **LRA applies to HUD for certification of homeless assistance elements of redevelopment plan**
- **LRA's application to HUD must contain**
 - Redevelopment plan and summary of public comments
 - Information about homelessness in LRA jurisdictions
 - Description of proposed activities
 - Homeless expressions of interest and how addressed
 - Impact of plan on community
 - Copies of proposed agreements with homeless providers
 - Description of property to be used
 - LRA's assessment of balance of needs for homeless and economic development
 - Summary of LRA homeless outreach



Air Force Base Conversion Agency

DBCRA 90 § 2905(b)(7)(G):

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and to the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

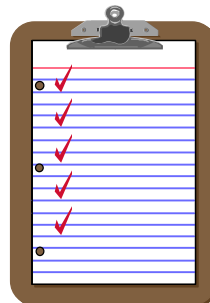
[Additional application requirements are elaborated in 32 CFR Part 92 and 24 CFR Part 586.]

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Redevelopment Act of 1994— HUD Review

■ Review criteria

- Community homeless population, existing homeless services and property suitability
- Economic impact of homeless assistance on local community
- Balance of homeless and economic development needs
- Outreach/consultation during homeless plan creation
- Specificity of homeless component of plan



■ Decision within 60 days

- Air Force will transfer properties without consideration



Air Force Base Conversion Agency

DBCRA 90 § 2905(b)(7)(H)(i), (ii), & (iii):

(H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Redevelopment Act of 1994— HUD Review of Application

■ If plan is not balanced

- HUD gives LRA specific reason and corrective action
- LRA has 90 days to resubmit
- HUD has 30 days to review revised plan



■ After second review, if plan is not balanced

- HUD will select providers and buildings within 90 days
- Air Force will transfer properties to homeless providers, without consideration



Air Force Base Conversion Agency

DBCRA 90 § 2905(b)(7)(I), (J), (K), & (L):

- (I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—
- (i) revise the plan in order to address the determination; and
 - (ii) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.
- (ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).
- (J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).
- (ii) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.
- (K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (I)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.
- (ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.
- (iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.
- (iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.
- (v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).
- (L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—
- (I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;
 - (II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;
 - (III) request that each such representative submit to that Secretary the items described in clause (ii); and
 - (IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).
- (ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:
- (I) A description of the program of such representative to assist the homeless.
 - (II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.
 - (III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.
 - (IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.
- (iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (I), the Secretary of Housing and Urban Development shall—
- (i) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and
 - (ii) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).
- (iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.
- (II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.
- (III) The Secretary of Defense shall dispose of buildings and property under subclause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.
- (IV) The disposal under subclause (i) of buildings and property to assist the homeless shall be without consideration.
- (V) In the case of a request for a conveyance under subclause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Redevelopment Act of 1994— Property Transfer for Homeless Assistance

- **LRA can obtain property and lease to homeless provider(s)**
- **LRA can obtain title and transfer to homeless providers, with reverter clause**
- **DoD can directly transfer to homeless providers, subject to legally binding agreements with LRA**
- **LRA and homeless providers should enter into legally binding agreements to cover reversion, municipal services and zoning**
- **No LRA requirement to take over services if provider leaves**
- **DoD can extend all timeframes**



Air Force Base Conversion Agency

DBCRA 90 § 2905(b)(7)(F)(ii), (M) & (N):

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 9 months after the date specified by the redevelopment authority for the installation under subparagraph (D).

...

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

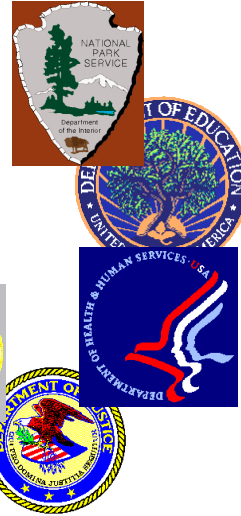
(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C; HUD Guidebook on Military Base Reuse and Homeless Assistance

Formal Screening for Public-Purpose Conveyances

- **Notices sent to Federal sponsoring/approving agencies**
- **Agencies solicit requests**
- **Eligible public/non-profit requesters apply to Federal agencies**
- **Federal agencies review applications and:**
 - **Recommend suitability of proposed use; or**
 - **Recommend conveyance**
- **Air Force has final disposal authority**



Air Force Base Conversion Agency

Under the FPMRs (41 CFR Part 101-47), when the Air Force issues its notice of availability of property, an informational notice is sent to Federal agencies that sponsor or approve public-purpose conveyances. These agencies may recommend to the Air Force that the highest and best use of a property is for a specific public benefit purpose.

After a determination of surplus has been made, notices of the surplus determination will be sent to the regional offices of the Federal sponsoring and approving agencies; the Air Force will notify eligible public agencies of the surplus determination and the Federal sponsoring and approving agencies will give notice to additional interested public bodies and/or eligible nonprofit institutions.

Public agencies and nonprofit institutions will notify the Air Force (and LRA, as appropriate) if there is a desire to acquire the property under a public-purpose conveyance. If a response is received, the Air Force, in consultation with the appropriate sponsoring or approving agency, will determine a reasonable time for submitting a formal application. The requesting agency or institution will be informed of the time and information required for an application.

Applications are submitted to the sponsoring/approving agency and the Air Force. The sponsoring/approving agency reviews the application and, if the application is approved,

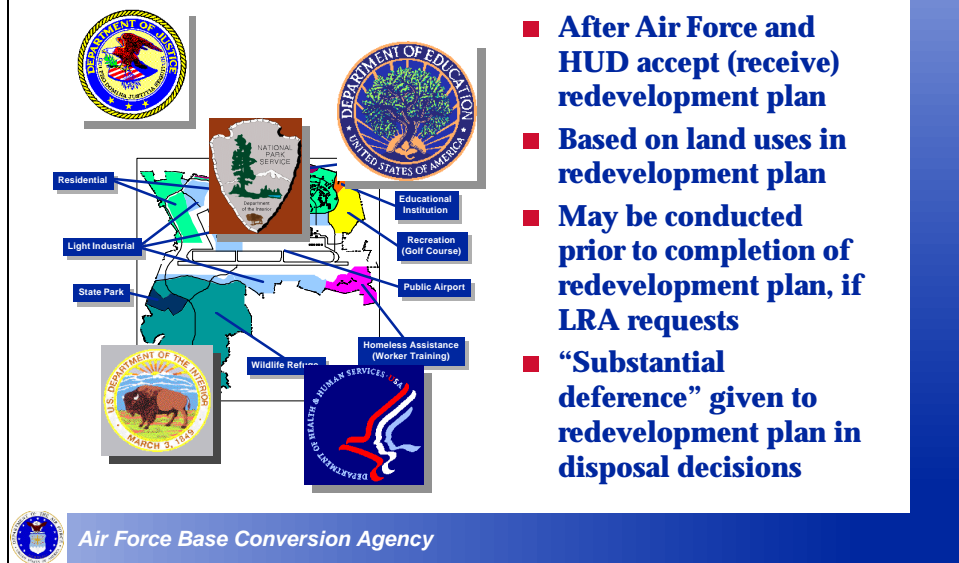
- an approving agency will recommend to the Air Force that the property is suitable and desirable for the proposed public use;
- a sponsoring agency will recommend assignment of the property to the sponsoring agency for subsequent transfer to the applicant.

In either case of an approved application, the Air Force retains authority to make the final disposal decision; the sponsoring/approving agency's role is advisory. However, a public-purpose conveyance cannot be made without a positive recommendation from the appropriate sponsoring/approving agency.

[Additional information about public-purpose conveyances is contained in Block 7.]

References: Federal Property and Administrative Services Act, § 203 (40 U.S.C. 484); 41 CFR § 101-47.308; Base Reuse Implementation Manual, Chapter 3

Redevelopment Act of 1994— Formal Public-Purpose Screening



32 CFR § 92.45(a):

Sec. 92.45 Disposal of buildings and property.

(a) Public benefit transfer screening. After the local redevelopment plan is accepted for planning purposes by the Military Department and accepted by HUD, the Military Department will conduct an official public benefit transfer screening in accordance with the Federal Property Management Regulations (41 CFR 101-47.303-2) based upon the uses identified in the redevelopment plan. Federal sponsoring agencies shall notify eligible applicants that any request for property must be consistent with the uses identified in the redevelopment plan. At the request of the LRA, the Military Department may conduct the official state and local public benefit screening before the completion of the redevelopment plan.

DBCRA 90 § 2905(b)(7)(K):

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

References: DBCRA 90 § 2905(b)(7)(K); 32 CFR § 92.45(a); Base Reuse Implementation Manual, Chapter 3

This page intentionally left blank